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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
VU, TUAN A	

ART UNIT	PAPER NUMBER
2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/041,743	WEAVER, SCOTT JAMES	
	Examiner	Art Unit	
	Tuan A. Vu	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 12/18/07.

As indicated in Applicant's response, claims 17-21, 24-25, 32 have been amended. Claims 17-33 are pending in the office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Worden, USPubN: 2003/0149934 (hereinafter Worden).

As per claim 17, Worden discloses a computer-implemented method of translating data from a format of a data model of a first software component to a format of a data model of a second software component (e.g. *from language 1 to language 2* -para 0031, 0035, pg. 3), the method comprising:

creating a first schema comprising the data model of the first software component (para 0429 to para 0431, pg. 23-24; para 0368-0372, pg. 20 – Note: XML represented by a business model reads on schema comprising a model – see para 0598 to 0688, pg. 31-33; para 0093-0103, pg. 6-7; Fig. 67-72 – and the full derived programmatic process based on UML model reads on software component); integrating the first schema into a data wedge (e.g. *XMulator* - para 0423 – 0434, pg. 23-24; para 0591-0597, pg. 30-31);

creating a second schema comprising the data model of the second software component (e.g. *two XML-based languages using XMulator* – para 0357-0361, pg 20; Fig. 9); integrating the second schema into the data wedge (see Fig. 9 - Note: using XMulator to map model to XML for 2 intended languages reads on first and second integration of respective model into the wedge);

populating the data model of the first software component (e.g. para 0701-0722, pg. 33-34; Fig. 38-41 – Note: purchases in different languages requiring a XMulator and a mediating definition language – see para 0249-0255, pg. 14 – wherein each purchase coming from one user reads on first software component with corresponding purchase model – see Fig. 17-21 – being populated); and

translating a data element from the format of the data model of the first software component to the format of the data model of the second software component by the data wedge (e.g. *two XML-based languages using XMulator* - para 0357-0365, pg. 20; para 0818-0822, pg. 38; Fig. 54-56; para 0842-0858, pg. 37-38; para 0031, pg. 3).

As per claims 18-20, Worden discloses triggering an event to notify the second software component of translated data element availability (see Fig. 31, 74, 75, 78-80 – Note: Gui pop-up screens **read on** event); reading the translated data element by the second software component; removing an obsolete data element from the data model of the first software component (e.g. para 0260 to para 0264 – pg 14-15; Fig. 9 -- Note: agent and user paradigm wherein the XMulator provides MDL, XML-to-XML mappings and transformation into XSLT to return to the user **reads on** second software reading the translated data element using the XMulator tool – see Fig. 54-56; para 0842-0858, pg. 37-38 – including removing of old data - see *delete* button – Fig. 29-31; para 0720, pg. 34) .

As per claims 21-22, Worden discloses creating an instance of the data wedge (e.g. Fig. 12 – Note: each session per application or agent with login reads on instance) ; wherein the first and second schemas further comprise a name of the data wedge (e.g. XMulator Ltd 2000, Fig. 12).

As per claim 23, Worden discloses wherein integrating the first schema into the data wedge includes setting default data elements and data values for the data model (e.g. para 0085-0094, pg. 6; Fig. 17, 20-23 – Note: purchase model to be implemented with W3C template form of a extensible language **reads on** W3C/XML basic format having default and values to be extended with associations or relations from a UML, during the session wherein first software component data are integrated into the XMulator) of the first software component.

As per claim 24, Worden discloses modifying a data element in the data model of the first software component (see *delete* button – Fig. 29-31; para 0720, pg. 34; para 0973-0993, pg. 45).

As per claim 25, Worden discloses a computer system for translating data from a format of a data model of a first software component to a format of a data model of a second software component, the system comprising:

a processor; and a memory coupled to said processor, the memory having stored therein data and sequences of instructions which, when executed by said processor, cause said processor to:

create a first schema comprising the data model of the first software component; integrate the first schema into a data wedge;

create a second schema comprising the data model of the second software component; integrate the second schema into the data wedge;

populate the data model of the first software component;

translate a data element from the format of the data model of the first software component to the format of the data model of the second software component by the data wedge; all of which step limitations having been addressed in claim 17.

As per claims 26-27, refer to the rejection of claims 18, 20 respectively.

As per claims 28-31, refer to the rejection of claims 21, 24, 22, 23 respectively.

As per claim 32, Worden discloses a computer system for translating data from a format of a data model of a first software component to a format of a data model of a second software component (para 0031, pg.3), the system comprising: a processor; and a memory coupled to said processor, wherein said processor is configured to execute a sequence of instructions contained in said memory, the instructions comprising

a data wedge including a first schema of the first software component and a second schema of the second software component (*two XML-based languages using XMulator* – para 0357-0361, pg 20; see Fig. 9 - Note: using XMulator to map model to XML for 2 intended languages reads on first and second schemas via integration of respective XML-corresponding model into the wedge),

the data wedge configured to translate a data element from the format of the data model of the first software component in accordance with the first schema to the format of the data mode of the second software component in accordance with the second schema (e.g. *two XML-*

based languages using XMulator - para 0357-0365, pg. 20; para 0818-0822, pg. 38; Fig. 54-56; para 0842-0858, pg. 37-38; para 0031, pg. 3)

As per claim 33, refer to the rejection of claims 18.

Response to Arguments

4. Applicant's arguments filed 12/18/07 have been fully considered but they are not persuasive. Following are the Examiner's observation in regard thereto.

35 USC § 102 rejection:

(A) Applicant has submitted that the cited portions of Worden teaches computer program using mappings between XML and a business model, as opposed to teaching 'data model of the software component' or 'format … first component … second component' as required (Appl. Rmrks pg. 6, bottom). This rather broad analysis seems to mention about at least two specific languages of the claim; however, by mentioning paragraph 0031 of Worden, the argument is not pinpointing ANY particular language of ANY claim this paragraph fails to distinguish over; that is, the argument is not sufficiently adhering to the basic requirement of a proper response under CFR § 1.111(b). The rejection has provided clear portions by which Worden uses XML in one first language and one in a second language and the corresponding mapping for the software constructs respective to each XML schema and yielding a conversion form (via use of a tool) in order to express a software process represented in the XML of the second language. The argument is mere allegation with insufficient prima facie weight to overcome the rejection.

(B) Applicant has submitted that Worden's mappings describe a document, not data model of a software component, because such document data or description is not part of the program or not a program (Appl. Rmrks pg. 7, top). It is noted that the claim language does not recite 'data

model' of a program, as groundlessly asserted from above. Worden's XML is a representation of another form of data, which can only be generated or re-instantiated from parsing the construct of the XML schema, as well known in the W3c technologies. From the standpoint of the Office Action, Worden's 'mappings' as proffered from the arguments are analogized as means by which construct of a schema yield model data or 'data model' as claimed, which according to Worden context, amounts to UML entities (see para 0037, pg. 3; para 0093-0103, pg. 6-7) representing a business process. 'Software component' in broad interpretation (*) amounts to a component being expressed in plurality of software constructs, regardless whether said construct be source program, development model programmatic entity, executable format, or interpretable scripting language. Worden's XmuLator for reading XML constructs of 2 languages, derives 'data element' via mappings with respect to a UML representation (see Rejection), and provides conversion (of data element) from one schema in one language to an output ready for use in the process represented by the XML of another language. The process of creating Object Oriented classes (see para 0093-0103, pg. 6-7; Fig. 67-72) underlying the mappings using Worden's XMulator provides the software component such as a business process, or a any software-built process as a result of mapping schema constructs representing a UML model. Not only does Worden teach data model (from the UML construct derived from XML), Worden also teach conversion of 'data element' from the format of one model of one software component (first language XML) to model format of another software component (second language XML - Fig. 67-72), and 'software component' (i.e. component as construed from (*): functional process expressed in Object Oriented programming construct) instantiated from data model derived from a schema. Applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

(C) Applicant has submitted that second software component is not found in the Office Action, nor can collection of data describing a business operation as by Worden be equated to 'software component' as required by Applicant (Appl. Rmrks pg. 7, bottom half). This argument will be referred to section B, because the Rejection did address first and second 'software component', and provide clear clarification as to what 'data model' is all about.

The claims will stand rejected as set forth in the Office Action.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

February 24, 2008